

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY AND ORIGINAL CIVIL JURISDICTION  
COMMERCIAL NOTICE OF MOTION (L) NO.1585 OF 2019  
IN  
COMMERCIAL IP (L) NO.735 OF 2019**

Infrastructure Leasing and  
Financial Services Ltd.

..Plaintiff

Vs.

IL and FS Human Resources Ltd.

..Defendant

WITH  
LEAVE PETITION (L) NO.262 OF 2019  
IN  
COMMERCIAL IP (L) NO.735 OF 2019

Mr. Hiren Kamod a/w Mr. Ramesh Gajria, Ms. Raina Gajria, Ms. Rinku Gajria I/b Gajria and Co. for Plaintiff;

Mr. Vinod S. Pandey I/b Vasant R. Kadam and Ashwinikumar S. Tripathi for Defendant;

Mr. Gopal Krishan, Director of Defendant present in court.

**CORAM : K.R.SHRIRAM, J.  
DATE : 9<sup>th</sup> JULY 2019**

**P.C.:**

1            Mr. Pandey undertakes to file vakalatnama within one week from today. Undertaking accepted.

2            Leave Petition under clause 14 is allowed by consent.

3            Mr. Pandey states that Managing Director of defendant Mr. Gopal Krishan is present in court and identifies him. Mr. Pandey states that defendant submits to a decree in terms of prayer clauses (b), (c) and (d) of the plaint. Mr. Kamod is agreeable.

4            In view thereof, suit stands decreed in terms of prayer clauses

(b), (c) and (d), which read as under:

*“(b) that the Defendant by itself, its servants and agents be restrained by an order and injunction of this Hon’ble Court from in any manner using the mark*



*or any other mark or name identical with or deceptively similar to or containing any of the Plaintiff's IL&FS trade marks, described in Exhibit A-1 to the Plaint or any part thereof, so as to infringe the same;*

*(c) that the Defendant by itself, its servants and agents be restrained by an order and injunction of this Hon’ble Court from in any manner using the mark*



*or any other mark or name identical with or deceptively similar to or containing any of the Plaintiff's IL&FS trade marks, described in Exhibits A-1 and A-2 to the Plaint, or any part thereof, so as to pass off its services as and for the services of the Plaintiff;*

*(d) that the Defendant by itself, its agents and servants, be restrained from in any manner using the domain name ‘https://ilfshr.com’ and email address ‘ceo@ilfshr.com’ and ‘marketing@ilfshr.com’ or any other domain name or email address containing the words “ilfs” or any other domain name or email address identical with or deceptively similar to or containing any of the Plaintiff's IL&FS trade marks or any part thereof;”*

5 All interim applications stand disposed. All interim order stands vacated.

6 In my view, it was a blatant infringement of plaintiff's logo and trademark. People like defendant, though they have submitted to a decree today, are those who keep the court busy by blatantly infringing the trademark without even bothering about legal consequences. In my view, defendant should be directed to give some charity and is hereby directed to give a donation of Rs.1,00,000/- to Tata Memorial Hospital and this amount will be paid within two weeks from today. Mr. Pandey on instructions from

Mr. Gopal Krishan undertakes that within two weeks from today they shall apply to the Registrar of Companies for change of name of defendant company. Undertaking accepted.

7            If the amount is not paid and compliance affidavit filed within three weeks with copy to plaintiff's advocates, then suit be listed for directions on 2<sup>nd</sup> August 2019, at which time defendant's Director shall also remain present in court.

**(K.R. SHRIRAM, J.)**